

79350

Commonwealth of Pennsylvania
DEPARTMENT OF ENVIRONMENTAL RESOURCES

COMPLAINT FOR SEARCH WARRANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Bucks

I, the undersigned, do hereby state under oath (affirmation) that:

(1) My name is Barry Passmore and I am an Environmental Protection Spec.
assigned to the Regional Office located at: Doylestown, Pa.
Bucks County Health Dept.

(2) In the course of my duties, I am authorized and required to conduct inspections and investigations to examine and abate unsanitary conditions, health hazards and nuisances and to determine compliance with the laws and regulations administered by the Department and, for this purpose, I am authorized to enter, examine and survey any private or public grounds, vehicles, buildings or places within the Commonwealth. Such inspections and examinations are authorized generally by Section 1917-A(2) of "The Administrative Code of 1929", 71 P.S. 510-17(2), and by Section 5, Paragraph (4) of "The Clean Streams Law", Act of June 22, 1937, P.L. 1987, as amended; Moreover, (over)

(3) In particular, inspections and investigations are necessary and required to determine compliance with the following statute(s) and/or regulation(s) of the Department: Sections 7(a), 9(1), 9(2), 9(3) and 9(4) of the "Pennsylvania Solid Waste Management Act", Act of July 31, 1968, Act No. 241, as amended and Chapter 75, "Solid Waste Management", of the Rules and Regulations of the Department of Environmental Resources; and Sections 301, 307 and 401 of "The Clean Streams Law", Act of June 22, 1937, P.L. 1987, as (over) and with orders issued under Section 1917-A(3) of "The Administrative Code of 1929", 71 P.S. 510-17(3) and the foregoing statute(s).

(4) Such inspections and investigations are conducted either routinely or after the expiration of a reasonable time or at such times as the Department, either upon its own information or upon complaint of a responsible citizen, has reason to believe that a violation, unsanitary condition, health hazard or nuisance exists. In the course of such inspections and investigations, it may be necessary for the Department to take samples and to conduct tests.

(5) In accordance with the powers and duties vested in the Department, and consistent with the foregoing, I desire to enter the hereinafter described premises to conduct an inspection and investigation as follows:

(a) Description of premises: All that property consisting of 113.22 acres at the Southwest corner of Township Road 467 and Township Road 444 in Bridgton Township, which appears more fully as Section 3-3-26 in a map attached hereto.

(b) Structures and facilities included: All structures and facilities and all land, surface or subsurface, and all waterways used for and/or affected by the past or present processing, loading, unloading, disposal or storage of solid wastes, industrial wastes and stream polluting substances, including, but not limited to, liquid storage areas, parking lot areas, drainage areas, and active and inactive disposal areas.

(c) Person(s) in possession or control of premises:
Boarhead Corporation
Manfred T. DeRewal, Pres.

(d) Purpose(s) of inspection and investigation: To determine compliance with the provisions of "The Clean Streams Law" and "The Solid Waste Management Act" and the Rules and Regulations set forth in Paragraph (3) above; specifically to ascertain whether and in what manner solid waste is or has been deposited on the above described premises and whether industrial waste and other polluting substances on the subject premises are being permitted to discharge into the waters of the Commonwealth.

(e) Sample(s) to be taken and test(s) to be conducted: The Department will take photographs of the conditions existing on the above described premises. The Department will take samples for chemical analysis from liquid storage areas and drainage areas on the above described premises.

(6) I ask that a search warrant or other suitable order be issued authorizing the undersigned to conduct such inspection and investigation.

Personally appeared before me on March 5, 19 73, the affiant above named who, being duly sworn according to law, signed the Complaint for Search Warrant in my presence and deposed and said that the facts set forth therein are true and correct to the best of his (her) knowledge, information and belief.

Name Elizabeth M. Degen

Title Justice of the Peace

Barry Passmore
Affiant
Elizabeth M. Degen (SEAL)
Issuing Authority

Address: Bucksville Shopping Ctr.,
Route 412
Kintnersville, Pa.

AR100002

(2) (Cont'd)

I feel I have probable cause to believe that solid waste has been, and is presently being, disposed of on the subject property. Observations made by Department of Environmental Resources personnel on February 14, 1973, confirmed that solid waste, including, but not limited to metal drums, were being disposed of on the subject property without benefit of a permit or other approval from the Department of Environmental Resources.

Therefore, I feel there is probable cause to believe that persons in control or possession of the subject premises have, and continue to, improperly dispose of solid waste on the premises.

(3) (Cont'd)

amended, and Sections 3 & 4 of Chapter 101, "Special Water Pollution Regulations", of the Rules and Regulations of the Department of Environmental Resources.

AR100003

Commonwealth of Pennsylvania
DEPARTMENT OF ENVIRONMENTAL RESOURCES

SEARCH WARRANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Bucks ss

To Barry Passmore, duly authorized employe (agent) of the Bucks County Health
Department of Environmental Resources, your agents and assistants,

GREETING:

WHEREAS, a complaint in writing has this day been made before the undersigned, an Issuing Authority in and for said County, upon oath (affirmation) of Barry Passmore, requesting that a search warrant or other suitable order be issued to enter the following premises: All that property consisting of 113.22 acres at the Southwest corner of Township Road 467 and Township Road 444 in Bridgton Township, which appears more fully as Section 3-3-26 in a map attached hereto.


and the following structures and facilities situated thereon: All structures and facilities and all land, surface and subsurface, and all waterways used for and/or affected by the past or present processing, loading, unloading, disposal or storage of solid wastes, industrial wastes and stream polluting substances, including, but not limited all of which are under the possession or control of: (over)

Boarhead Corporation
Manfred T. DeRewal, Pres.

to conduct an inspection and investigation of said premises, structures and facilities for the following purpose(s): To determine compliance with Sections 7(a), 9(1), 9(2) & 9(4) of the Pennsylvania Solid Waste Management Act, Act of July 31, 1968, Act No. 241, as amended and Chapter 75, "Solid Waste Management", of the Rules and Regulations of (over)

NOW, it appearing to the undersigned that there is probable cause for such inspection and investigation, these are therefore to command you and every one of you, by day or by night, to enter the aforesaid premises, structures and facilities, to conduct an inspection and investigation and make such tests and take such samples as shall be deemed necessary for the foregoing purpose(s) and make a return of them and this warrant before said Issuing Authority forthwith upon its execution.

WITNESS my hand and seal this 5th day of March, 19 73

 (SEAL)
Issuing Authority

Name Elizabeth M. Degen
Title Justice of the Peace

Address Bucksville Shopping Ctr.,
Route 412
Kintnersville, Pa.

RETURN OF SEARCH WARRANT

On _____, 19 _____, beginning at _____ o'clock _____ M.,
on _____, 19 _____, I conducted an inspection and investigation
of the hereinbefore described premises accompanied by _____

and I found the following conditions to exist:

and I conducted the following test(s):

and I took the following sample(s):

which I have in my custody.

_____, 19 _____

Name _____
Title _____

AR100004

Structures & facilities included: (Cont'd)---to liquid storage areas, parking lot areas, drainage areas, and active and inactive disposal areas.

Purpose(s): (Cont'd)---the Department of Environmental Resources; and Sections 301, 307 and 401 of "The Clean Streams Law", Act of June 22, 1937, P.L. 1987, as amended; and Sections 3 & 4 of Chapter 101, "Special Water Pollution Regulations", of the Rules and Regulations of the Department of Environmental Resources: specifically to ascertain whether and in what manner solid waste is or has been deposited on the above described premises and whether industrial waste and other polluting substances on the subject premises are being permitted to discharge into the waters of the Commonwealth.

AR100005